**REMARKS**

In accordance with the foregoing, claim 4 has been amended. Claim 8 has been added. Claims 1-8 are pending and under consideration.

In the Office Action mailed October 16, 2006, claims 1-6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 1-5 and 7 were rejected under U.S.C. § 102(b) as being anticipated by Potter et al. (U.S. Patent 4,733,354); and claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Potter et al. and Iliff (U.S. Patent 5,935,060).

**Non-Prior Art Rejections:**

The rejections under the second paragraph of 35 U.S.C. § 112 identified six terms as being relative and rendering the respective claims indefinite. Claim 4 has been amended to recite that the diagnostic support system "displays the value in the field in the new patient data with a mark" at lines 4-5. It is submitted that claim 4, as amended, is not indefinite and withdrawal of the rejection is respectfully requested. Furthermore, it is submitted that the remaining five phrases are not relative in the context of the claims. Each of the five remaining terms is address individually below.

The Office Action found "concrete values" in claim 1, line 7 to be a relative term. On its face, a concrete value is not relative but concrete and must be a numeric value since the "computer ... calculates" (claim 1, line 6) it. Therefore, it is submitted that "concrete value" does not render claim 1 indefinite and withdrawal of the rejection is respectfully requested.

The Office Action found "influence degree" in claim 1, line 8 to be a relative term. Claim 1 recites "an influence degree of the value contributing to determine a disease name" at lines 8-9. As commonly known to one skilled in the art, a "degree" is a numeric value and its modifier, "influence", indicates that the value is used in a weighing calculation or "contributing to determine a disease name" (claim 1, line 8). Therefore, it is submitted that "influence degree" does not render claim 1 indefinite and withdrawal of the rejection is respectfully requested.

The Office Action found "maximum degree of similarity" in claims 1, lines 18-19 and claim 5, line 5 to be a relative term. Claim 1 recites "a maximum degree of similarity ... of which influence degree is maximum among those used for calculating the degree of similarity" at lines 18-20. As stated above, a "degree" is a numeric value and a "maximum degree" is the largest numeric value in the set described at lines 19-20 of claim 1. Hence, the "maximum degree of

similarity" is defined in claim 1 as the largest influence degree. Therefore, it is submitted that "maximum degree of similarity" does not render claim 1 or claim 5, which depends therefrom, indefinite and withdrawal of the rejection is respectfully requested.

The Office Action found "substantially" in claim 4, line 2 to be a relative term. Claim 4 recites "if a value substantially coincident with the value in the new patient data is contained in the case data" at lines 2-3. Section 2173.05(b)(C) of the Manual of Patent Examining Procedure ("MPEP") simply states that "[t]he term 'substantially ... is a broad term" and section 2173 of the MPEP is entitled "Breadth Is Not Indefiniteness". Furthermore, it is well established that "substantially" is not indefinite if the specification or ordinary knowledge in the art establishes the limits. *See e.g. Verve LLC v. Crane Cams Inc.*, 65 USPQ2d 1051, 1054 (Fed. Cir. 2002). In the case of claim 4, "substantially" modifies the word "coincident" and what is being compared is two numeric values. Given any set of data, a person of ordinary skill in the art would understand when two values are "substantially coincident" to each other. For example, a person of ordinary skill in the art may consider two values substantially coincident to each other when both values are within two standard deviations of a mean, assuming the data set follows a Gaussian distribution. Therefore, it is submitted that "substantially coincident" is a broad limitation, but its breadth does not render claim 4 indefinite and withdrawal of the rejection is respectfully requested.

The Office Action found "similar" in claim 5, line 2 indefinite. Claim 5 recites:

> when an instruction of displaying similar case data ... is inputted via said input device, contents of predetermined number of pieces of case data in sequence from the content exhibiting the maximum degree of similarity calculated is displayed on said display device

at lines 3-5. Therefore, it is submitted that "similar" does not render claim 5 indefinite because the definition of "similar case data" is included in the claim. Withdrawal of the rejection is respectfully requested.

The Examiner is requested to contact the undersigned to arrange an Examiner Interview before the next Office Action if the rejections under the second paragraph of 35 U.S.C. § 112 are not withdrawn to discuss what further amendments are necessary.

**Prior Art Rejections:**

The last paragraph of page 5 in the Office Action cited column 2, lines 34-46 of Potter et al. as anticipating "calculates a degree of similarity ... by weighting a difference between a value in each field of the case data and a value in its corresponding field of the new patient data with influence degree of that value in the new patient data" recited in claim 1 at lines 11-15. Potter et

al. disclosed that "[t]he retrieving, presenting, selecting and entering steps are repeated until an identifiable final selection is obtained, the final selection including means for identifying it as being a final selection" at column 2, lines 42-46. The retrieving, presenting, selecting and entering of Potter et al. is a mechanical process, similar to navigating through a series of menus and does not involve any calculation. Moreover, nothing has been cited in the remaining prior of record, individually or in combination, that teaches or suggests "calculate[ing] a degree of similarity" of claim 1, line 11. Therefore it is submitted that claim 1 and claims 2-6, which depend therefrom, are patentably distinguishable over the cited prior art.

Claim 7 recites that a computer "calculate[s] a degree of similarity ... by weighting a difference between a value in each field of the case data and a value in its corresponding field of new patient data with influence degree of that value in the new patient data" at lines 9-13. For the reasons discussed above, it is submitted that claim 7 is patentably distinguishable over the cited prior art.

New claim 8 recites "calculating, for a new patient, a degree of similarity by weighing, with a new patient data field influence degree, a difference between each field of existing case data and a corresponding new patient data field" at lines 4-6. For the reasons discussed above, it is submitted that claim 8 is patentably distinguishable over the cited prior art.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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